

From: [Oliver Orjiako](#)
To: [Jeffrey Delapena](#)
Subject: FW: FOCC Comments regarding BERK
Date: Monday, July 15, 2024 11:32:01 AM
Attachments: [FOCC-Comment Letter-BERK-240709 \(2\).docx](#)

Hi Jeff:

Please, add to both FRDU and Comp plan index of record. Thank you.

Oliver

From: Ann Foster <annfoster5093@gmail.com>
Sent: Tuesday, July 9, 2024 5:13 PM
To: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: FOCC Comments regarding BERK

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Dr. Orjiako,
Please see the Friends of Clark County comments in the attached letter below.
Best,
Ann



Friends of Clark County

PLANTING THE SEEDS OF RESPONSIBLE GROWTH

July 8, 2024

Mr. Oliver Orjiako, Director
Clark County Community Planning
1300 Franklin Street
3rd Floor
Vancouver, Washington 98660

RE: *2025 Comprehensive Plan Update*

June 25, 2024 Separate Business Agenda Item # 2

Via pdf and e-mail to Oliver.Orjiako@clark.wa.gov

Dear Dr. Orjiako:

My name is Ann Foster. I am President of the Friends of Clark County (FOCC)¹ Board of Directors. Please accept this letter as supplemental comments to FOCC's previous comments that highlighted FOCC's continuing objection to the County hiring any consultant to assist in developing plans for the current FRDU overlay, including any uses that may be allowed in that overlay, and any possible expansion of that overlay. FOCC continues to urge the County to pause any work, and not spend any county taxpayer dollars, on any action related to the FRDU pending the outcomes of the multiple state and federal agency investigations of PVJR and Eric Temple (collectively the "operator") and a resolution of the current allegations that the operator is in violation of the lease agreement entered into by the County and the operator in December 2022. It is important to note, that the County is not under any timeline to take action on the FRDU nor does the legislation (SB 5517) require any such actions.

As a direct, and indirect, result of the FOCC's actions, at times combined with those actions of our community partners, the current railroad operator continues to be investigated by multiple state and federal agencies and, since our March letter, the Washington Department of Ecology Water Quality Program issued an Administrative Order on March 25, 2024 outlining many of the

¹ FOCC, along with our individual members have been involved with issues regarding Freight Rail Dependent Uses since the passage of SB 5517. Our members have sent letters to the County, attended the Freight Rail Advisory Committee meeting, provided public testimony to the Council, reviewed the lease that resulted in litigation and reviewed and commented on the current lease. Our organization challenged the County's failure to require an EIS prior to approving an SMO requested by Granite construction at Chelatchie Bluff and, in that application, was a proposal by Granite that their operation would utilize freight rail to deliver mined gravel from Chelatchie Bluff to Vancouver. Most recently FOCC joined with Friends of Central Vancouver, Coalition for Sustainable Land Management, Sierra Club, Alliance for Community Engagement and many residents across the County including many residents who reside in Brush Prairie, Battle Ground and Chelatchie to shine a spotlight on the multiple instances of environmental damage cause by the current operator of the railroad acting in defiance of any requirements to obtain required permits prior to engaging in construction activities.

transgressions committed by the current operator that led to environmental degradation in two specific areas of the County and specific requirements with which the operator must comply.

In addition to the reasons listed in FOCC's letters of January 9, 2024, March 25, 2024, and June 24, 2024, FOCC has concerns about the new proposed RFP listed on the County website. The comments below are applicable only if the County determines it will not "pause" any FRDU actions as previously requested.

Given the discussions by the Council at the budget hearing and the January 10, 2024 council time, this item is budgeted for \$100,000 and we are unaware of any provision to approve additional funding should that be necessary as suggested in the draft language of the RFP.

Finally, FOCC again wants to emphasize that any SEPA analysis should be completed by Staff. It is the lead agency and, if it is contemplated that heavy industry and railroad industries are to be allowed in FRDU, then the SEPA analysis should be a Determination of Significance because each and every potential future expansion of the FRDU overlay would allow for such uses, including all the way to Chelatchie through residential neighborhoods, the City of Battle Ground and from Battle Ground north along the East Fork of the Lewis River all the way to Chelatchie.

Please place this letter in the record for the current Comprehensive Plan update, as well as in the comment section on the website, for consideration during all of the upcoming hearings on the CP update.

Best,

Ann Foster

Ann Foster

President, Friends of Clark County